BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking Regarding Broadband Infrastructure Deployment and to Support Service Providers in the State of California.	Rulemaking 20-09-001 (Filed September 10, 2020)

OPENING COMMENTS OF THE GREENLINING INSTITUTE TO THE ASSIGNED COMMISSIONERS' RULING REGARDING MIDDLE MILE INFRASTRUCTURE

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I. INTRODUCTION

Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, The Greenlining Institute ("Greenlining") respectfully submits these opening comments on the August 6, 2021 *Assigned Commissioner's Ruling* ("Ruling"). Greenlining suggests additional indicators to use in the Ruling, specifically for both parts of the second topic, "Priority Areas".

II. DISCUSSION

Is it reasonable to assume counties with a disproportionately high number of unserved households (e.g., 50% or more unserved at 100 Mbps download) are areas with insufficient middle-mile network access?

While it is a reasonable assumption that unserved areas with less than 50% access to 100 Mbps download are more likely to lack sufficient middle-mile network access, to only use this metric for location selection regarding middle-mile build out provides an incomplete assessment of areas that have insufficient middle-mile network access. Specifically, using this metric would lead to the prioritization of solely sparsely populated counties such as Alpine, Sierra, and Modoc which have a combined population of 21,337,[1] a vast majority of which are without access to 100 Mbps download.[2] While these counties do have unserved and underserved populations, Fresno County alone has 100,000 residents who live in rural areas,[3] and the same amount of residents without access to 100 Mbps download service.[4] Using additional indicators, as described in the following paragraphs, the CPUC would be able to better distribute middle-mile build out.

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[1] QuickFacts: Sierra County, California; Mariposa County, California; Alpine County, California (Accessed September 3, 2021). https://www.census.gov/quickfacts/fact/table/sierracountycalifornia,mariposacountycalifornia,alpinecountycalifornia/PST045219

[2] California Interactive Broadband Map (Accessed September 3, 2021). https://broadbandnow.com/California

[3] Geographic Apportionment: RURAL POPULATION DATA (Accessed September 3, 2021). https://www.treasurer.ca.gov/ctcac/apportionment/schedules/supplement_population.pdf

[4] California Interactive Broadband Map (Accessed September 3, 2021). https://broadbandnow.com/California

What other indicators, if any, should the Commission use to identify priority statewide open-access middle-mile broadband network locations (i.e., built expeditiously, areas with no known middle-mile network access, regions underserved by middle-mile networks, regions without sufficient capacity to meet future middle-mile needs)?

Firstly, while only focusing on the 50% at 100 Mbps threshold does point towards rural areas, and most unserved households are rural,[5] it would point focus away from where a critical mass of the rural population of California lives: the Central Valley. Rural populations, such as those in the Central Valley, are the least likely to be served by broadband.[6] Furthermore, undercounting broadband access is much more likely to be overestimated in all rural areas.[7] Rural broadband access has been rightly made a priority of the Biden Administration in the American Jobs Plan because "35 percent of rural Americans who lack access to broadband at minimally acceptable speeds."[8]

However, it is difficult for the private sector to invest in these areas because of the financial constraints. For example, data show that it can cost $3,000 per household in urban areas for broadband infrastructure, while the same facilities cost $16,000 per household in rural areas.[9] This gap would likely widen in the most sparsely populated areas. Therefore, the CPUC should prioritize the counties with greater population density where the highest total populations of rural residents live. This would include many Central Valley counties, as well the Inland Empire

[5] How we can close the digital divide in California, CalMatters, August 31, 2021. https://calmatters.org/commentary/2021/08/how-we-can-close-the-digital-divide-in-california/

[6] Legislature must enforce $6 billion broadband plan to reach unserved households, CalMatters, September 3, 2021. https://calmatters.org/commentary/2021/09/legislature-must-enforce-6-billion-broadband-plan-to-reach-unserved-households/

[7] FCC Reports Broadband Unavailable to 21.3 Million Americans, BroadbandNow Study Indicates 42 Million Do Not Have Access, Broadband Now, May 11, 2021. https://broadbandnow.com/research/fcc-underestimates-unserved-by-50-percent

[8] FACT SHEET: The American Jobs Plan, The White House, March 31, 2021. https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/

[9] How we can close the digital divide in California, CalMatters, August 31, 2021. https://calmatters.org/commentary/2021/08/how-we-can-close-the-digital-divide-in-california/

counties of San Bernardino and Riverside.[10] This would efficiently use the funds selected for this middle-mile infrastructure because of the critical mass of people in these counties.

Within these counties, the CPUC should also specifically target census tracts where a large proportion (40% or greater) of the population is below 200% of the federal poverty line and where there is limited competition, defined as households that lack access to two or more providers at 100 Mbps speeds. Focusing on these areas would be another effective use of these funds to promote broadband affordability via targeted populations of low-income individuals because increasing affordable middle-mile access to these areas can incentivize more competition that can drive down the cost of broadband. This would be in line with other CPUC programs such as the California Advanced Services Fund's digital literacy initiative, which focuses on communities "facing socioeconomic barriers."[11] Studies demonstrate that a lack of access to broadband and poverty go hand-in-hand. Without internet access that is affordable, poverty is likely to be cyclical, as employment opportunities are rarer and public benefits are harder to obtain.[12] Additionally, during a pandemic, a lack of broadband is extremely harmful, while "the use of telecommunications to deliver health services and education" has become essential and lifesaving.[13]

Finally, another metric that would be useful is broadband adoption rates, which can assist in targeting populations of people historically excluded from public services. For instance, many

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[10] Geographic Apportionment: RURAL POPULATION DATA (Accessed September 3, 2021). https://www.treasurer.ca.gov/ctcac/apportionment/schedules/supplement_population.pdf

[11] California Advanced Services Fund (CASF) Adoption Account, California Public Utilities Commission (Accessed September 3, 2021). https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-advanced-services-fund/casf-adoption-account

[12] Digital prosperity: How broadband can deliver health and equity to all communities, The Brookings Institute, February 27, 2020. https://www.brookings.edu/research/digital-prosperity-how-broadband-can-deliver-health-and-equity-to-all-communities/

[13] *Id*.

immigrants and Spanish-speaking households live in the rural areas of the Central Valley and Inland Empire. Demographically, these groups have two of the lowest levels of broadband service. 34% of immigrants and 46% of Spanish-dominant households are underserved or unserved by broadband.[14] Many of those same people are farmworkers, who themselves are additionally undercounted, especially in regard to broadband access.[15] Many of these have no cell phones or any access to the internet.[16] As previously stated, vulnerable populations such as these groups are made more vulnerable because of their lack of access to social services, education, healthcare, and employment.

III. CONCLUSION

Greenlining recommends that the Commission also consider factors such as rural population density, income level, competition and adoption rate when prioritizing middle-mile constructions as this can improve broadband connectivity for communities of color and low-income families that need it the most.

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Respectfully submitted,

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[14] Internet Connectivity and the "Digital Divide" in California - 2019, Institute of Governmental Studies, University of California, Berkeley (Accessed September 3, 2021). https://www.cetfund.org/wp-content/uploads/2019/08/005_003_002_CETF_2019_002_IGS_Poll_CA_Digital_Divide_ppt.pdf

[15] Supreme Court Hands Farmworkers Union A Major Loss, National Public Radio, June 24, 2021. https://www.npr.org/2021/06/23/1000129827/in-a-narrow-ruling-supreme-court-hands-farmworkers-union-a-loss

[16] *Id*.